

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
April 14, 2004

MEMBERS

Nicholas F. Barba
John R. Davis
Frederick W. Harvell
Alexander T. Hamilton
Robert D. Heavner
Alfred E. Ptaszniak, Jr.
Andrew A. Simasek

CALL TO ORDER

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members were present. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Amy Parker, and Earl Anderson.

REMARKS

Chair Simasek remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF MINUTES

Mr. Barba moved to adopt the minutes of the regular meeting of February 11, 2004 and on roll call, they were adopted unanimously.

PUBLIC HEARINGS

Application No. ZM-84-04, Kenneth Dale Moore c/o MRP, LLC: Request to amend the York County Zoning Map by reclassifying two parcels of land containing approximately 9.01 acres located on George Washington Highway (Route 17) and Whites Road (Route 1216) approximately 250 feet north of the intersection of Whites Road and George Washington Memorial Highway from R20 (Single-Family

Residential) to IL (Limited Industrial) subject to voluntarily proffered conditions. The property is further identified as Assessor's Parcel No. 24-133 and a portion of Assessor's Parcel No. 24-128. The Comprehensive Plan designates this area for medium-density residential development.

Ms. Amy Parker, Senior Planner, presented a combined staff report for the two applications in which the staff recommended approval of the applications. **Ms. Parker** noted the contractor's storage yard use requested in Application No. UP-634-04 would be allowed in the IL district by right if Application ZM-84-04 were approved, the requested access to the proposed contractor's shop through a GB-zoned district having triggered the need for a special use permit. **Ms. Parker** noted the listing in the staff report of all permitted uses if the rezoning were approved, and mentioned some uses of particular concern - including helipad, industrial park, wholesale auction or wholesale trade with outside storage, and auto storage. She added that environmental and traffic impacts on the residential area are of particular concern. The applicant has proffered limited hours for the storage yard, extra landscaping, and an eight-foot fence surrounding the proposed storage yard.

Ms. Parker stated the applications are consistent with the County's objective to expand the commercial tax base and of entertaining proposals for conversion of existing residentially zoned property to commercial use. **Ms. Parker** noted that the applications meet minimum Zoning Ordinance standards with the conditions recommended. Staff therefore recommended approval of the applications through the adoption of Resolution PC04-9 (rezoning) and PC04-10 (special use permit).

Ms. Parker mentioned correspondence received from the Virginia Department of Transportation and Newport News Waterworks, attached to the staff report.

Mr. Harvell inquired as to the minimum lot size in the R20 zoning district. **Ms. Parker** said it is 20,000 square feet. She added that approximately 12 detached house lots could be developed on this particular property, allowing for stormwater management.

Chair Simasek opened the public hearing.

Mr. Lamont Myers, 108 Pheasant Watch, Mid-Atlantic Commercial Real Estate, spoke as the applicant's agent. Mr. Myers expressed appreciation for the staff's help and input. The application represents the culmination of a long search for a satellite operation for Mr. Moore's self-storage operation located on Wolf Trap Road and Route 17. He named some advantages of the current proposal, including the adjacency of commercial and IL-zoned properties, a 50-foot buffer to screen the occupied dwellings on Whites Road, positive fiscal impact, few public service demands, maintenance of 40 percent of the site as green space, and an environmentally friendly design.

Addressing the proposed contractor's storage yard, **Mr. Myers** explained that the applicant, Mr. Moore, is no longer in the site clearing business but does "odd jobs" from time to time during which the heavy equipment remains on the respective job sites. He added the storage yard would serve only Mr. Moore and would not become a large facility used by others. The equipment would be moved infrequently from the yard. He did not anticipate any considerable environmental impact because of the equipment storage.

Mr. Myers described the site plan, noting an office space fronting Route 17 in a single building together with a contractor's shop in the rear with direct access to the storage yard. The property would be enclosed by secure fencing, remain under 24-hour surveillance, and provide an opportunity for a proven business to continue to grow in the County. In moving the equipment from Victory Industrial Park, the applicant would cause the currently occupied facility to become available to another business.

Mr. Myers acknowledged the applicant had revised his original request from 5,000 SF to 12,000 SF for a contractor's storage yard for the purpose of storing and maintaining only a few pieces of equipment, although staff estimates that up to 24 pieces of heavy industrial equipment could be stored on 12,000 SF. The applicant does not want to lock himself in to the smaller area, although he does not intend to get back into the site clearing business along with his expanded interests. The intent was based on the applicant's need for storage and need to expand, **Mr. Myers** explained.

In reply to **Mr. Ptasznik's** question about the location of a heliport, **Mr. Myers** said the applicant has no specific area of the site selected for a heliport.

Mr. Ptasznik mentioned that fuel would be needed to maintain a helicopter and heavy equipment in the contractor's storage yard. **Mr. Harvell** added that diesel fuel would probably be a need and asked if the applicant planned to purchase diesel fuel from the nearby retail station. **Mr. Myers** did not know.

Mr. Barba said the plan looked good to him although he did not like the idea of an entrance directly from Route 17 to a contractor's yard. He also wanted to know what type of business would operate in the front office space of the proposed building.

Mr. Myers said that was not part of the application and has not been determined, but it would be a business allowed by right.

Mr. Barba said access to the contractor's storage yard and a mini-warehouse facility would create a lot of traffic next to the office building, which might be a problem for the proprietor of a business located at the front of the building.

Mr. Myers noted there is already heavy traffic in and out of Greene Industrial Park, on Greene Drive, and he thought any added traffic would be negligible.

Mr. Hamilton inquired how the applicant plans to contain oil seepage from stored recreational vehicles, boats, and heavy equipment.

Mr. Myers said all the vehicle storage surfaces would be impervious, unlike the residential yards whose runoff could contain fertilizer chemicals. He added that, because of its location in a watershed, it is probably one of the most heavily regulated and protected areas in the County and a water quality impact assessment would be required.

Mr. Hamilton asked if the neighbors have commented on the proposal. **Mr. Myers** said the neighbors were informed of the proposal and seemed to have no problem with it. One neighbor said the vegetation and fence would buffer the visual impact of Greene Industrial Park from his home.

Mr. Harvell, noting that Victory Industrial Park is only a quarter of a mile away from the proposed site, asked why the applicant wanted to move.

Mr. Myers said Mr. Moore wants to make his Victory Industrial Park site available for another prospect, as an existing building is a very marketable asset to economic development.

Mr. Art Edlow, 102 Nancy Court, said he owns one of the subject properties. He thought the proposed use would be good for the property and produce more revenue for the County. He said the citizens would have a nice place for storing articles and vehicles, and adjacent neighbors would have an enhanced view toward Greene Drive.

Seeing no other speakers, the Chair closed the public hearing.

Mr. Ptasznik expressed concerns about maintaining residential zoning next to Greene Industrial Park and could not envision any new home construction there. He was concerned about the traffic pattern resulting from two entrances from Route 17 in such close proximity, but he believed VDOT would only approve what it believed was acceptable. He favored approving the applications because it should be an attractive addition to the area, solve some of the past problems with frontage on Route 17, bring potential business from the congested lower end of the County, and overall is a good use of the land.

Mr. Harvell directed attention to VDOT's concerns expressed on page two of its letter dated April 14, 2004, specifically the absence in the proffers of a limit to the number of pieces of contractor's equipment to be stored, major safety concerns, and possible impact to the overall traffic on Route 17. **Mr. Harvell** said the applicant proposed an 8-foot fence within which to store vehicles as tall as 14 feet. He also believed that, because the property in question is lower than Route 17, it would have to be built up before its proposed use. He said the property already floods under certain conditions and to add impervious surface would only increase the likelihood and frequency of flooding onto the adjacent residential sites. **Mr. Harvell** said the exact type of fuels stored in SUV's, mobile homes, boats and contractor's equipment to be stored in the yard is unknown, and could amount to 100 to 200 gallons of fuel. He also said the applicant had proposed a helipad that could conceivably be placed only 50 feet from existing residences.

Mr. Myers responded that Mr. Moore does not intend to develop the site any more intensively than is stated in the applications. He said the stormwater pond would be designed to hold the runoff and discharge at predevelopment runoff rate. He was not aware of any need to bring the site up to the Route 17 ground level.

Mr. Myers added that the applicant simply wants a self-storage facility and a contractor's storage yard that would be subject to a rigorous site plan review, which would include stormwater management controls.

Brief discussion took place about sewer to the site during which **Mr. Mark Carter** explained the necessity for the applicant to connect to a main sewer line with or without an office use.

Mr. Barba repeated that it appears to be a good use for the land, but he would need to know what type of business would occupy the front section before he could recommend approval.

Mr. Simasek said the issues of stormwater runoff and potential fuel disposal or leakage would have to be addressed during site plan review. He said it appears to be a good use of the land.

Mr. Harvell said the GB section of the property would not be a problem for him. However, he did not think this property was capable of being developed wisely for industrial uses. He did not think the residents of one of the quietest, most confined neighborhoods in the County deserved seeing the adjoining properties turned into a heavy equipment operation with noise and increased flooding potential.

Mr. Ptasznik moved the adoption of Resolution PC04-9 to approve Application No. ZM-84-04 for a rezoning.

PC04-9

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
Robert D. Heavner
Nicholas F. Barba
John R. Davis
Frederick W. Harvell

Yes
Yes
No
Absent
No
Absent
No

On motion of Mr. Ptasznik, the following resolution was denied:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO RECLASSIFY APPROXIMATELY 9.01 ACRES OF LAND LOCATED AT 7307 GEORGE WASHINGTON MEMORIAL HIGHWAY AND 122 WHITES ROAD FROM R20 (SINGLE-FAMILY RESIDENTIAL) TO IL (LIMITED INDUSTRIAL)

Mr. Ptasznik moved adoption of Resolution PC04-10 to approve Application No. UP-634-04 for a special use permit.

PC04-10

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair

Yes
No

Alexander T. Hamilton
Robert D. Heavner
Nicholas F. Barba
John R. Davis
Frederick W. Harvell

No
Absent
No
Absent
No

On motion of Mr. Ptasznik, the following resolution was denied.

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A MINI-STORAGE WAREHOUSE FACILITY**

Chair Simasek introduced Mr. Jesse Young, member of the Williamsburg Planning Commission, in attendance.

Application No. UP-633-04, Colson and Colson Construction Co. Request to amend a previously approved Special Use Permit pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance. The original use permit authorized the establishment of a 118-unit senior housing-congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17, and further identified as Assessor's Parcel No. 24-63-2. The proposed amendment would allow a driveway connection between the congregate care facility and the entrance on Route 17 that currently serves McDonald's restaurant. The property is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

Mr. Tim Cross, Principal Planner, summarized the staff report dated March 22, 2004, in which the staff recommended approval.

Mr. Ptasznik asked the purpose of the proposed driveway. **Mr. Cross** explained that the current property owner had long ago made such a driveway a condition of selling the property.

Chair Andrew Simasek opened the public hearing.

Mr. Donald Davis, Davis & Associates, 3630 George Washington Memorial Highway, spoke as representative of Memorial Highway Associates, property owner. **Mr. Davis** explained that during his meetings with the owner's attorney a long series of contractual obligations were discovered, including a stipulation to connect Route 17 to the subject parcel and connect back to the access road immediately adjacent to Fort Eustis Boulevard.

Mr. Simasek inquired about ownership of the proposed connecting driveway. **Mr. Davis** said the driveway would be owned by the current or future owner of Lot 2B, but the applicant's senior housing facility would be allowed to use it. **Mr. Simasek** postulated that if Lot 2B were the eventual site of another use, such as a fast food restaurant, easy access to that use would be a cut through the congregate care facility property. **Mr. Davis** agreed there is nothing in this proposal to prevent that,

but noted that the route to this lot from Fort Eustis Boulevard would be circuitous, involving several sharp turns, thus reducing its appeal as a cut-through and limiting the speed of such traffic. He added that the property owner sees the driveway as “a safety valve.”

In answer to **Mr. Ptasznik’s** concern as to the purpose, **Mr. Davis** noted the owner is out of the country and he did not know why the agreement was initially signed. **Mr. Barba** suggested it was a means to provide for a service road tying the three parcels together.

Mr. Ptasznik asked if the congregate care facility might post a sign or barrier to keep through traffic out. He didn’t want to see a lot of traffic directed onto that property. **Mr. Carter** said there does not appear to be a prohibition against a sign or barrier.

Mr. Harvell asked if the sewer line enters the property from Route 17. **Mr. Davis** said there is no sanitary sewer available off Route 17, but a sewer extension appropriate to the size of both parcels would be provided.

Chair Simasek closed the public hearing.

Mr. Barba moved adoption of Resolution PC04-8.

PC04- 8

On motion of Mr. Barba, which carried 5:0 (Messrs. Davis and Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A DRIVEWAY CONNECTION BETWEEN GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND AN APPROVED SENIOR HOUSING CONGREGATE CARE FACILITY ON FORT EUSTIS BOULEVARD (ROUTE 105)

WHEREAS, on October 21, 2003, the York County Board of Supervisors adopted Resolution No. R03-169 approving Application No. UP-622-03, which requested a Special Use Permit to authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor’s Parcel No. 24-63-2; and

WHEREAS, Colson and Colson Construction Company has submitted Application No. UP-633-04, which requests an amendment to the above-referenced Special Use Permit to authorize a driveway connection between the congregate care facility and an existing entrance on Route 17 that currently serves McDonald’s restaurant; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of April, 2004, that Application No. UP-633-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the conditions set forth in Resolution No. R03-169, adopted by the Board of Supervisors October 21, 2003, authorizing a Special Use Permit for the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Yorktown Congregate Care Facility," prepared by Curry Brandaw Architects and dated July 28, 2003, supplemented by the project narrative submitted by the applicant, except as modified herein.
3. Access to Route 17 via a driveway connection from the proposed congregate care facility to the proposed eastern property boundary as depicted on the plan titled "Site Plan: Yorktown Retirement Residence," prepared by Curry Brandaw Architects, dated November 11, 2003 and revised February 16, 2004, shall be permitted.
4. Development of the property shall be subject to the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.
5. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, Standards for Senior Housing (Housing for Older Persons), of the Zoning Ordinance.
6. A sidewalk or other walkway shall be constructed to provide safe and convenient pedestrian access from the congregate care facility to the developed commercial property to the east (McDonald's restaurant).
7. The maximum number of resident suites shall be 118.
8. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Fort Eustis Boulevard and adjacent properties and shall incorporate the use of full cut-off luminaires.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the

expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that the Commission recommends that these conditions supersede the original conditions of approval set forth in Resolution No. R03-169, adopted by the Board of Supervisors on October 21, 2003.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Carter introduced Mr. Earl W. Anderson, who has joined the Planning Division as Planner I. Mr. Simasek welcomed Mr. Anderson and wished him well.

Mr. Carter reported on recent actions by the Board of Supervisors.

COMMITTEE REPORTS

Mr. Barba reported that the Route 17 Revitalization Committee was delighted that the Board has approved its recommended tax abatement and grant programs. He announced the York County Chamber of Commerce will sponsor a golf tournament May 21st, the proceeds from which will help purchase a Route 17 community entrance marker.

Mr. Carter reported that Mr. James W. Noel of the Office of Economic Development addressed the Regional Issues Committee at its meeting last week. Additionally, the economic development directors of James City County and the City of Williamsburg joined Mr. Noel in addressing the policies, procedures and economic development goals for each of their respective jurisdictions.

COMMISSION REPORTS AND REQUESTS

There were no reports or requests.

FUTURE BUSINESS

Mr. Carter advised of future business of the Commission.

ADJOURN

Chair Simasek called adjournment at 8:30 p.m.

SUBMITTED:

Phyllis P. Liscum, Secretary

APPROVED:

Andrew A. Simasek, Chair

DATE: _____